



BACKGROUND ON TEMPORARY PROTECTED STATUS FOR YEMEN

The current 18-month grant of Temporary Protected Status, or TPS, for approximately 1,250 Yemeni TPS holders¹ will expire on March 3, 2020, unless extended by the secretary of Homeland Security.² By statute, the DHS secretary must decide whether to extend and/or redesignate or terminate TPS for Yemen by Jan. 3, 2020.³

I. WHAT IS TEMPORARY PROTECTED STATUS?

Temporary Protected Status was established by Congress through the Immigration Act of 1990.⁴ TPS is intended to protect foreign nationals in the United States from being returned to their home country if it became unsafe during the time they were in the United States and would put them at risk of violence, disease or death.⁵ Under the law, the secretary of the Department of Homeland Security may designate a country for TPS in three scenarios:⁶

1. Ongoing armed conflict (such as a civil war) that would pose serious threat to the personal safety of nationals of the affected country;⁷
2. An environmental disaster (such as an earthquake or hurricane) or an epidemic and the foreign state is temporarily unable to adequately handle the return of its citizens and the foreign government has requested TPS for its nationals;⁸ or
3. Other extraordinary and temporary conditions that prevent people from the country from safely returning home as long as it is not against the national interest of the United States to allow them to remain.⁹

TPS may be designated or extended in six, 12 or 18-month increments.¹⁰ At least 60 days before the end of a designation period, the secretary of Homeland Security must review country conditions in consultation with appropriate agencies of the government, for example the State Department, and determine whether conditions warrant extension.¹¹ The decision must be published on a timely basis in the Federal Register.¹² Under the law, TPS may be extended as many times as necessary, as long as the dangerous country conditions continue.¹³ TPS can also be re-designated for a country simultaneously with an extension or independently.¹⁴

Nationals of a TPS-designated country and people without nationality who last lived in a TPS-designated country, and who were physically in the United States when the designation was made and meet certain requirements,

may be eligible for TPS.¹⁵ If granted, recipients are temporarily protected from deportation and may receive work authorization to support themselves while they remain in the U.S.¹⁶

TPS does not provide a path to lawful permanent resident status or citizenship.¹⁷

II. WHY WAS YEMEN DESIGNATED FOR TPS?

Yemen was originally designated for TPS on Sept. 3, 2015, in response to the escalating violence in the country, which erupted in the summer of 2014 when the Houthis, a religious-political armed movement, began their takeover of Yemen.¹⁸ In September 2014, the Houthis captured the capital city, Sana'a, removing the Yemeni government from power and placing its leaders under house arrest.¹⁹ The Yemeni president and other members of government left Yemen for Saudi Arabia soon after and organized air strikes and attacks against the Houthis, with more than 10 countries supporting the effort.²⁰

Military actions quickly led to a massive, severe humanitarian crisis affecting Yemeni civilians in nearly all of the country.²¹ By the time TPS was first designated for Yemen, 1.3 million people had been internally displaced by the conflict, nearly 4,000 had been killed and 18,000 wounded.²² The war rapidly created a horrific food shortage, as Yemen relies on imports for 90 percent of its food supply.²³ At the time of the original TPS designation, 12.9 million Yemenis—half of the country's population—were food insecure, with five million classified as severely food insecure.²⁴ Air strikes and combat also destroyed hospitals and health care facilities, airports, bridges, roads, water and sanitation systems, the electricity grid, schools and other vital private and public infrastructure.²⁵

III. WHY SHOULD TPS FOR YEMEN BE EXTENDED AND REDESIGNATED?

An 18-month extension and redesignation of TPS for Yemen is warranted as the reasons that existed for the 2018 extension of TPS for Yemen remain, and in some cases have worsened. Today, Yemen is in its fifth year of brutal war, and conditions for Yemeni civilians continue to deteriorate. As of September 2019, Yemen remains "the worst humanitarian crisis in the world."²⁶ Over three-quarters of the population, some 24.1 million Yemenis, urgently need humanitarian assistance.²⁷ More than 3.6 million people are displaced in Yemen.²⁸ Since the beginning of the conflict, over 6,827 civilians have been killed with over 10,000 wounded.²⁹ Every month, bombs and disease kill or injure 37 children.³⁰

Arbitrary arrests, detention and torture are prevalent, with journalists and medical workers high on the target list.³¹ Those who survive have reported being hung from ceilings, dipped in water and electrocuted, burned, having their fingernails ripped off, being locked underground in suffocating cells, locked in cells with snakes and more.³² Violence and abuse targeting women has increased 63 percent, with young women being particularly vulnerable, and approximately three million women and girls at risk of gender-based violence.³³

The food and disease crisis in Yemen also continues to grow, now with 24.1 million—80 percent of people in Yemen—at risk of diseases and hunger, with 14.2 million in need of "acute" assistance.³⁴ Approximately 20 million Yemenis are food insecure, with a quarter of a million on the verge of starvation.³⁵ Experts warn that Yemen is "one step" away from famine.³⁶ Currently, 17.8 million people lack safe water and sanitation, and 19.7 million lack adequate health care.³⁷

The Yemeni people continue to face one of the worst cholera epidemics ever recorded, with more than one million documented cases so far, claiming more than 2,000 lives.³⁸ The cholera epidemic has escalated in 2019, with more cholera cases documented in the first half of the year than all of 2018.³⁹ From January through July 2019, Yemen reported 845,017 cholera cases with 1,234 deaths.⁴⁰ Additionally, bombings and conflict affect at least half

of Yemen’s hospitals and health care facilities, making access to treatment very difficult.⁴¹ There is also intentional targeting of public water systems in military action, meaning there is little hope of stopping the outbreak.⁴² In April 2018, the UN Secretary General said that in Yemen, “treatable illnesses become a death sentence.”⁴³

In addition to the health care, water and sanitation systems, other vital infrastructure has been ruined.⁴⁴ In the 2017 extension and redesignation of TPS for Yemen, the U.S. government cited that half of children in Yemen are unable to attend school because of the destruction or military takeover of buildings.⁴⁵ The country is riddled with landmines, preventing access to remaining infrastructure, and water and food sources.⁴⁶ Yemen’s economy is also in ruins – upwards of 78 percent of Yemenis are in poverty, with women being more severely affected.⁴⁷

Figure 1: 2017, 2018 and 2019 Comparison

	2017	2018	2019
Cholera cases	15,658 (Jan. 2017)	1.1 million+ (April 2018)	845,017 (Jan. to July 2019)
Food insecure people	14 million (Jan. 2017)	17.4 million (May 2018)	20 million (Oct. 2019)
People in need of humanitarian aid	18.8 million	22.2 million	24.1 million

IV. WHAT WILL THE IMPACT BE IF TPS FOR YEMEN IS NOT EXTENDED AND REDESIGNATED?

According to the most recent Federal Register Notice, approximately 1,250 Yemenis in the United States are protected from the catastrophic conflict and humanitarian emergency in Yemen through TPS.⁴⁸ Without TPS, people returning to Yemen would be at risk of violence, hunger, disease, human rights violations and lack of access to water. TPS holders with U.S. citizen children would be forced to make impossible decisions — bring their children into harm’s way or tear families apart.

Redesignation is the Secretary of the Department of Homeland Security’s authority to extend TPS protection to people who arrive in the United States after the original TPS designation.⁴⁹ TPS for Yemen has not been redesignated since early 2017,⁵⁰ meaning that the secretary has the option to extend protection to people who have arrived in the past few years. People who are more recently arrived in the United States need protection from the crisis in Yemen just as much as current TPS holders.

V. WHY IS EXTENDING AND REDESIGNATING TPS FOR YEMEN IN LINE WITH AMERICAN VALUES AND INTERESTS?

Congress established TPS to provide life-saving protection to people who, if deported, would be at risk of harm or death.⁵¹ It is a statutory embodiment of the international principle of nonrefoulement, a commitment that the United

States will not return people to countries where their lives or freedom would be threatened.⁵² This commitment, stemming from the aftermath of World War II, also underpins U.S. refugee and asylum laws.⁵³

By protecting people's lives and granting work authorization, TPS serves key national and regional security interests, advances moral and strategic U.S. engagement with the international community and provides other benefits to the United States. In general, TPS holders make great contributions to the U.S. economy, working in key industries such as construction and home health care and paying into the U.S. GDP, Social Security and Medicare.⁵⁴ TPS holders also send vital remittances to family and friends in countries of origin, providing unofficial foreign aid that allows people to meet their basic needs and helps stabilize countries and regions.⁵⁵

Our commitment as a nation and a people to protect and welcome those in need is why Congress created TPS, and why we must use it now.

ENDNOTES

¹ Estimates of the current number of Yemeni TPS holders vary. For the purposes of this resource, CLINIC relies on information provided in the most recent Federal Register Notice. 83 Fed. Reg. 40307 (Aug. 14, 2018), www.federalregister.gov/documents/2018/08/14/2018-17556/extension-of-the-designation-of-yemen-for-temporary-protected-status.

² *Id.*

³ INA § 244(b)(3).

⁴ Jill H. Wilson, *Temporary Protect Status: Overview and Current Issues*, CONGRESSIONAL RESEARCH SERVICE (Jan. 17, 2018), <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

⁵ *Id.*

⁶ INA §244 (b).

⁷ INA §244 (b)(1)(A).

⁸ INA §244 (b)(1)(B).

⁹ INA §244 (b)(2)(C).

¹⁰ INA §244 (b)(3)(B).

¹¹ INA §244 (b)(1)(A).

¹² *Id.*

¹³ See generally INA §244.

¹⁴ *Id.*

¹⁵ INA §244 (a)(1).

¹⁶ INA §244 (a)(1)(A); INA §244 (a)(1)(B).

¹⁷ See generally INA §244.

¹⁸ 80 Fed. Reg. 53319 (Sept. 3, 2015), www.federalregister.gov/documents/2015/09/03/2015-21881/designation-of-the-republic-of-yemen-for-temporary-protected-status.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Joint NGO Statement on Yemen – 74th UN General Assembly*, SAVE THE CHILDREN (Sept. 20, 2019), <https://reliefweb.int/report/yemen/joint-ngo-statement-yemen-74th-un-general-assembly>.

²⁷ Yemen, UNICEF (April 12, 2019), www.unicef.org/appeals/yemen.html.

²⁸ *Yemen – Rapid Displacement Tracking Report (01 Jan – 06 Oct 2019)*, INTERNATIONAL ORGANIZATION FOR MIGRATION (Oct. 2019), www.globaldtm.info/yemen-rapid-displacement-tracking-report-01-jan-06-oct-2019/.

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³² Arwa Ibrahim, *Tales of torture and horror: Inside Houthi prisons in Yemen*, AL JAZEERA (June 10, 2018), www.aljazeera.com/indepth/features/tales-torture-horror-houthi-prisons-yemen-180530085005320.html.

³³ *4 ways 4 years of war in Yemen has impacted women and girls*, INTERNATIONAL RESCUE COMMITTEE (March 25, 2019), www.rescue.org/article/4-ways-4-years-war-yemen-has-impacted-women-and-girls.

³⁴ *The World Bank in Yemen*, THE WORLD BANK (Oct. 1, 2019), www.worldbank.org/en/country/yemen/overview.

³⁵ *Keeping Yemen from the brink of famine: Italy and WHO fight malnutrition*, WORLD HEALTH ORGANIZATION (Oct. 3, 2019), <https://reliefweb.int/report/yemen/keeping-yemen-brink-famine-italy-and-who-fight-malnutrition>.

³⁶ *10 million Yemenis 'one step away from famine'*, UN food relief agency calls for 'unhindered access' to frontline regions, UN NEWS (March 26, 2019), <https://news.un.org/en/story/2019/03/1035501>.

³⁷ *Id.*

³⁸ *Yemen*, UNICEF (April 12, 2019), www.unicef.org/appeals/yemen.html; *Another cholera outbreak is threatening Yemen, and doctors say it could get worse*, VICE (April 6, 2019), www.vice.com/en_us/article/59x7na/another-cholera-outbreak-is-threatening-yemen-and-doctors-say-it-could-get-worse.

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- ⁴² *Id.*
- ⁴³ *Remarks by the Secretary-General to the Pledging Conference on Yemen*, UNOG (April 3, 2018), [www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument).
- ⁴⁴ *Yemen: Civil War and Regional Intervention*, CONGRESSIONAL RESEARCH SERVICE (Sept. 17, 2019), <https://fas.org/sgp/crs/mideast/R43960.pdf>.
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- ⁴⁷ *Id.*
- ⁴⁸ 83 Fed. Reg. 40307 (Aug. 14, 2018), www.federalregister.gov/documents/2018/08/14/2018-17556/extension-of-the-designation-of-yemen-for-temporary-protected-status.
- ⁴⁹ See INA § 244(b)(1); see also INA § 244(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of the most recent designation of the state”) (emphasis added).
- ⁵⁰ 82 Fed. Reg. 859 (Jan. 4, 2017), www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status.
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- ⁵³ *Id.*
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